

IN THE UNITED STATES DISTRICT COURT FOR THE  
WESTERN DISTRICT OF NORTH CAROLINA

INTERSTATE FIRE & CASUALTY  
COMPANY,

Plaintiff,

V.

Case Number: 3:07-CV-260-C

TREE TOP CONDOMINIUM ASSOCIATION,  
INC.; JOHN LOSACCO, HAROLD COTESE,  
DAVID HARRIS, JAMES OBEE AND CRAIG  
SCHALLENKAMP, in their official capacities  
as the Board of Directors for Tree Top  
Condominium Association, Inc.,

Defendants.

**Consent Order**

The Court finds as follows:

1. The Complaint was filed July 5, 2007.
2. The Defendants accepted Service of Process and are currently within their Answer period.
3. This is a Declaratory Judgment action concerning what, if any, insurance coverage obligations the Plaintiff has to the Defendants with respect to a lawsuit styled *Windward Capital Corporation v. Tree Top Condominium Association, Inc. et al.*, court no. 07 CVS 7456 pending in the General Court of Justice for Mecklenburg County, North Carolina.
4. In the interest of promoting judicial economy, minimizing waste of valuable judicial time and resources, minimizing unnecessary legal litigation expense to the citizens involved in this case, and upon the agreement of the parties
5. IT IS THEREFORE ORDERED that this action be STAYED pending one of the following events:
  - a) further order of this Court;
  - b) the filing of an Answer or other responsive pleading by the Defendants;
  - c) mutual consent of the parties;

- d) 30 days written notice by the Plaintiff to the attorney for the Defendants named below and a copy of this Notice to Mr. David Harris, Association Manager, Tree Top Condominiums, 825 Farmhurst Drive, Charlotte, NC 28217.
6. IT IS FURTHER ORDERED that during the pendency of this stay, defendants need not file an Answer or other responsive pleading until the stay of this case is lifted.

**SO ORDERED.**

Signed: October 15, 2007

*Carl Horn, III*

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Carl Horn, III  
United States Magistrate Judge

